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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,836	11/30/2001	Adolf Proidl	AT 000068	3541
24737 7590 07/13/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER SHIBRU, HELEN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/015,836

Applicant(s)

PROIDL ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/20/2007 has been entered.

### ***Response to Amendment***

2. The amendments, filed 05/22/2007, have been entered and made of record. Claims 1-13 are pending.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hennig (US Pat. No. 5,956,455) in view of Jackson (US Pat. No. 5,963,264).

Regarding claim 1, Hennig discloses a recording arrangement for the error-tolerant recording of an information signal (FS) of an information broadcast programmed for recording and identified by a broadcast identification (VPS-PI) and a broadcast start time (SBZ-PI) (See col. 6 line 66-col. 7, errors are corrected), having

receiving means (see tuner 100 in fig. 1) for receiving the information signal in which information broadcasts and associated broadcast identifications can be transmitted, and having recording means (VCR in fig. 1) for recording the received information signal on a record carrier in a recording mode of the recording arrangement (see figure 1 a simplified block diagram of a VCR, which includes tuner 100 for selecting a particular television signal from a plurality of television signals received by an antenna 105. The VCR also includes a microcomputer 110 that receives data entered by a user from the remote control unit or from the keypad. Upon pressing the appropriate button, the necessary VPS program and their identification information is transferred to the VCR. See also figure 6 and col. 3 lines 9-22), and having recording control means for evaluating both the broadcast identification of the programmed information broadcast being detected in the information signal and a recording start time of the programmed information broadcast is reached, which recording start time is reached a lead time interval before the broadcast start time of the programmed information broadcast (The prior art Figure 4a shows that the user instructs the VCR to program itself with the data necessary to record the particular television show on a particular day. The VCR also comprises a controller for storing schedule data. The schedule data includes time code data indicative of starting time of a particular date and a television program identification code. See col. 4 lines 39-61 and claims 1 and 2. See also paragraph 2 above. See also col. 4 lines 57-61 where it teaches that the actual

starting times may be changed if the previously scheduled program was a sporting event which ran over time).

Hennigs further discloses automatically changes said identifying signal of a particular television program which said schedule indicates as the currently running television program (see claim 1, i.e. the recording is based on the current schedule). Hennigs discloses, in a conventional VCR, the editor in one particular example inadvertently typed an incorrect VPS time code (col. 4 line 39-col. 5 line 11). When the editor noticed the error, he/she changed the time to the correct VPS time of 2050. Because the program memory in the VCR still contains the erroneous VPS time code data, nothing will be recorded. However according to Hennigs invention, if controller 150 does not find the VPS code in the Current VPT page, controller 150 concludes that the received code is incorrect and replaces it with the VPS code **according to the schedule (see col. 6 line 12-col. 7 line 33)**. To further show that the limitation is well known in the art, the Examiner cites the secondary reference.

Jackson discloses the recording process begins when the programming selection is actually aired. Jackson further discloses real-time schedule changes to occur for both starting time and stopping time, and ensure the entire program will be recorded (see col. 5 line 51-col. 6 line 20 and fig. 2). Therefore in light of the teaching in Jackson, it would have been obvious to record a program at a recording start time in order record the selected event entirely.

Regarding claim 2, Hennig discloses the end of the programmed information broadcast is defined by a broadcast end time and in which the recording control means are adapted to deactivate the recording mode when both the absence of the broadcast identification of the programmed information broadcast is detected and a recording end time of the programmed

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information broadcast is reached, which recording end time is reached a trailing time interval after the broadcast end time of the programmed information broadcast (see col. 4-6 if the VPS code is incorrect the recording is delayed from its originally scheduled time otherwise the recording ends on the particular schedule ending time. See also claim 1 in Jackson).

Regarding claim 3, Hennig discloses which marking means are provided, which marking means are adapted, in the recording mode of the recording arrangement, to store marking information defining the current recording position on the record carder when the broadcast identification received in the information signal changes (see col. 5 line 56-col. 6 line 11 and figure 9).

Regarding claim 4, Hennig discloses offline analysis means are provided, which analysis means are adapted, after deactivation of the recording mode, to analyze the recorded information signal and to mark information signal portions of the recorded information signal which have common characteristics with marking information, the characteristics to be analyzed being, for example, a picture frequency, velocity information of objects of the picture content, text information of the picture content, color information of the picture content or sound information of the recorded information signal (see figures 6, 10 and 11).

Regarding claim 5, Hennig discloses the offline analysis means are adapted to define stored marking information as a reproduction start position and/or to define stored marking information as a reproduction end position of the information broadcast recorded in the recording means (see col. 4 line 5-23 and col. 5 lines 46-53).

Regarding claim 6, Hennig discloses the recording control means are adapted to activate the recording mode when the broadcast identification of the information broadcast transmitted

before the programmed information broadcast is no longer detected in the sequence of broadcast identifications included in the received information signal (see figures 7-9).

Regarding claim 7, Hennig discloses the recording control means are adapted to deactivate the recording mode when the broadcast identification of the information broadcast transmitted after the programmed information broadcast is already detected in the sequence of broadcast identifications included in the received information signal (See cols. 5 and 6).

Regarding claim 8, Hennig discloses receiving means for receiving a further information signal are provided, in which further information signal further programmable information broadcasts and associated broadcast identifications can be transmitted (see figure 6).

Regarding claim 9, Hennig discloses recording scheduler means are provided by which an information broadcast to be recorded can be programmed and which are adapted to evaluate electronic program information received by the receiving means, which electronic program information includes both broadcast start times and the expected sequence of broadcast identifications of the information broadcasts to be expected in the information signal to be recorded (see claims 1 and 2).

Regarding claim 10, Hennig discloses the record carrier takes the form of a hard disk (see figure 1).

Regarding claim 11, Hennig discloses the recording control means include VPS decoder means for decoding a VPS code which forms the broadcast identification (see figure 1 and col. 3).

Claims 12 and 13 are rejected for the same reason as discussed in claims 1 and 2 respectively above.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takatori et al. US Pat No. 6,252,629.

Lord et al. US Pat. No. 6,795,639.

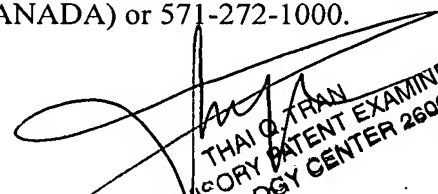
Kwoh et al. US Pat. No. 5,852,478.

Nakada et al. US Pat. No. 7,076,793.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
THAI Q. TRAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600